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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF (PSG)

**CISCO SYSTEMS, INC.'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL CONFIDENTIAL  
INFORMATION IN CISCO SYSTEMS,  
INC.'S OPPOSITION TO MOTION TO  
STRIKE**

**DEMAND FOR JURY TRIAL**

02099-00004/8104817.1

CISCO'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL  
INFORMATION IN CISCO'S OPPOSITION TO MOTION TO STRIKE  
Case No.3:14-cv-05344-BLF (PSG)

Pursuant to Civil Local Rules 7-11 and 79-5, Cisco Systems, Inc. ("Cisco") hereby brings this administrative motion for an order to seal certain information filed in connection with Cisco's Opposition to Motion to Strike.

### **REQUESTED RELIEF**

Cisco requests an order granting its motion to seal the following documents:

<b>Document</b>	<b>Portions to Be Filed Under Seal</b>
Cisco's Opposition to Motion to Strike  ("Brief")	Highlighted portions
Exhibit K to the Declaration of Andrew M. Holmes in Support of Cisco's Motion for Protective Order  ("Exhibit K")	Entire
Exhibit L to the Declaration of Andrew M. Holmes in Support of Cisco's Motion for Protective Order  ("Exhibit L")	Entire
Exhibit M to the Declaration of Andrew M. Holmes in Support of Cisco's Motion for Protective Order  ("Exhibit M")	Entire
Exhibit N to the Declaration of Andrew M. Holmes in Support of Cisco's Motion for Protective Order  ("Exhibit N")	Entire

Document	Portions to Be Filed Under Seal
Exhibit O to the Declaration of Andrew M. Holmes in Support of Cisco's Motion for Protective Order  ("Exhibit O")	Entire
Exhibit P to the Declaration of Andrew M. Holmes in Support of Cisco's Motion for Protective Order  ("Exhibit P")	Entire

Cisco has established good cause to permit filing these documents under seal through the Declaration of Sara E. Jenkins, filed contemporaneously herewith.

## **I. LEGAL STANDARD**

In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a "particularized showing" under the "good cause" standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing "establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law" ( *i.e.*, that the document is "sealable"). Civil L.R. 79-5(b). The sealing request must also "be narrowly tailored to seek sealing only of sealable material." *Id.*

## **II. GOOD CAUSE EXISTS TO PERMIT FILING UNDER SEAL**

Cisco makes this request to seal the documents identified herein for the reasons explained in detail in the Declaration of Sara E. Jenkins in support of this Administrative Motion to File Under Seal ("Jenkins Declaration"). Cisco has narrowly tailored its request to seal only confidential information as detailed in the Jenkins Declaration. Cisco also files this motion to seal

1 to provide Arista Networks, Inc. the opportunity to file a declaration pursuant to Civil Local Rule  
2 79-5(e) regarding the confidentiality of Exhibit L and the Brief.

3 **III. CONCLUSION**

4 Concurrently with this Motion, Cisco is filing redacted and highlighted versions of the  
5 above-referenced documents indicating the specific portions Cisco requests to seal.

6  
7 Dated: June 27, 2016

Respectfully submitted,

8  
9 /s/ Amy H. Candido

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